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5 ROSA FIGUEROA,  
6 Plaintiff,  
7 v.  
8 WELLPATH, INC., et al.,  
9 Defendants.

10 Case No. [21-cv-09766-CRB](#)  
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**ORDER DENYING MOTION TO  
DISMISS FOR FAILURE TO  
PROSECUTE**

13 On October 21, 2022, Defendants Wellpath, Inc. and Paula McKinsey filed a  
14 motion to dismiss for failure to prosecute pursuant to Federal Rule of Civil Procedure  
15 41(b). See dkt. 30. On January 3, 2023, the Court ordered Plaintiff Rosa Figueroa to show  
16 cause why the case should not be dismissed for failure to prosecute. See dkt. 38. On  
17 January 19, 2023, the Court received a letter from Figueroa, asking that her case not be  
18 dismissed because she has “received permanent injury” and would like her case to  
19 “continue forward.” See dkt. 40.

20 Given Figueroa’s stated intent to participate in the case going forward, Defendants’  
21 motion to dismiss is DENIED, without prejudice to a further motion if Figueroa fails to  
22 participate. Figueroa is ordered to cooperate with defense counsel to comply with all court  
23 deadlines and meet her discovery and disclosure obligations. Failure to do so will result in  
24 dismissal of the action.

25 **IT IS SO ORDERED.**

26 Dated: January 20, 2023

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CHARLES R. BREYER  
United States District Judge